

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JESSE ROSEN,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
HEALTH AND HOSPITALS CORPORATION, PRISON  
HEALTH SERVICES, INC., MARTIN F. HORN,  
Commissioner of the New York City Department of  
Correction, OFFICER JOHN DOE, said name being  
fictitious, being intended to designate the City of New  
York Correction Officer designated herein, OFFICER  
RICHARD ROE, said name being fictitious , being  
intended to designate the City of New York Correction  
Officer involved in the action herein, and JOHN DOE,  
M.D., said name being fictitious, being intended to  
designate the physician involved in the action herein,

Defendants.  
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**NOTICE OF MOTION TO  
AMEND CAPTION**

07 Civ. 6721 (U.S. District Court  
for S.D.N.Y.)

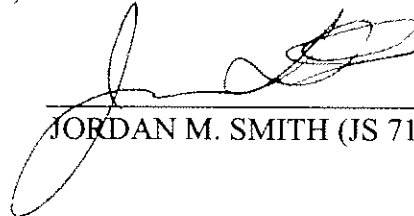
Index No. 16753/07 (Supreme  
Court of the State of New York,  
Bronx County)

**PLEASE TAKE NOTICE** that upon the Declaration of Jordan M. Smith, dated August 6, 2007, and upon all the papers and proceedings had herein, defendants City of New York, New York City Health and Hospital Corporation and Martin F. Horn will move this Court, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an order granting leave to amend the caption of their Notice of Removal dated July 26, 2007, to correctly identify the index number of the case to be removed from state court as "Index No. 16753/07 (Supreme Court of the State of New York, Bronx County)" and not as "Index No. 112185/2005 (Supreme Court of the State of New York Bronx County)" as currently appears, together with such other relief as the Court may deem just and proper.

Dated: New York, New York  
August 6, 2007

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street, Room 3-141  
New York, New York 10007  
(212) 788-0869

By:

A handwritten signature in black ink, appearing to read "Jordan M. Smith", is written over a horizontal line.

JORDAN M. SMITH (JS 7186)

TO: Michael Jaffe, Esq.  
Pazer & Epstein, P.C.  
Attorneys for Plaintiff  
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